



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

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October 7, 2008

To: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name of the Chief Executive Officer.

WASHINGTON, D.C. UPDATE

Congressional Schedule

The House and Senate are both in recess until after the November general election. Senate Majority Leader Reid (D-NV) has stated that he would like to reconvene during the week of November 17, when the Senate will hold its organizational meetings, with the intention of conducting action on several pending bills, including an omnibus lands measure. House leaders are also expected to hold organizational meetings during the same week, but have indicated that they do not expect to conduct any legislative business.

Continuing Resolution

The President signed the Federal Fiscal Year (FFY) 2009 Consolidated Security, Disaster Assistance, and Continuing Appropriations Act on September 30. This legislation will fund Federal programs at or slightly above their FFY 2008 funding level through March 6, 2009.

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Economic Rescue Package

On October 1, the Senate, by a 74 to 25 vote, approved legislation to provide the Treasury Department with \$700 billion in additional spending authority to purchase bad debt from financial firms. The bill also increases Federal Deposit Insurance Corporation (FDIC) coverage for bank accounts from \$100,000 to \$250,000, extends several expiring tax credits, and contains a mental health parity measure that will require health insurers to provide equal coverage for mental and physical illnesses by January 1, 2010. The House of Representatives voted 263 to 171 to approve the measure on October 3, and the President signed the bill later that day.

Railroad Safety Improvement Act (H.R. 2095)

On October 1, the Senate, by a 74 to 24 vote, approved the conference report for H.R. 2095, rail transportation legislation, which contains the Railroad Safety Improvement Act and Amtrak funding reauthorization. The House had passed this measure on September 24. One of the more important provisions in the legislation is a requirement that "positive train control" systems be installed for most passenger service and freight trains by the end of the year 2015. The conference agreement also reduces the number of hours that freight train crews can work each month and requires the U.S. Department of Transportation to determine limits for passenger crews. The bill will now go to the President who is expected to sign the measure.

McKinney-Vento Homeless Assistance Act Reauthorization (H.R. 7221)

On October 2, the House of Representatives, by a vote of 355 to 61, approved H.R. 7221 (Moore, D-WI), the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act, which reauthorizes homeless assistance programs under the McKinney-Vento Act for two years. H.R. 7221 reflects a compromise between two previous versions of the bill, H.R. 840 (Carson, D-IN) and S. 1518 (Reed, D-RI), which were reported by their respective committees but were not considered on the floor of either chamber.

H.R. 7221 would authorize \$2.2 billion for homeless programs in FFY 2009, compared to \$1.6 billion provided in FFY 2008, and represents the first reauthorization of Federal homeless assistance programs since 1994. Local governments would have increased flexibility in determining how to distribute those funds, and would also be eligible to serve additional persons in danger of losing their place of shelter. The Senate did not act on H.R. 7221 before their recess but may have an opportunity to do so following the elections.

Eastern Sierra and Northern San Gabriel Wild Heritage Act (S. 3069)

Prior to recessing for the elections, the Senate attempted to consider a package of approximately 150 Federal lands bills. Included in this package was S. 3069, the Eastern Sierra and Northern San Gabriel Wild Heritage Act, which was introduced in May by Senator Boxer. S. 3069 would designate as wilderness over 470,000 acres of lands in California. Approximately 40,000 acres of these lands are located in the County within the Angeles National Forest. Action on the consolidated measure was blocked by "holds" from individual Senators based on opposition to some of the bills in the package. Should the Senate reconvene in November, the Majority Leader has indicated that he will attempt to file a motion to consider the lands bills. The House has not considered the package and it is unclear if they will do so even if the Senate acts.

Pursuit of Position on Federal Administrative Law Issue

The Food Safety and Inspection Service (FSIS) of the United States Department of Agriculture (USDA) is amending its regulations regarding meat and poultry inspection by incorporating the most recent version of the National Institute of Standards and Technology (NIST) Handbook 133 with the exception of all references to "wet tare" procedures for testing of packaged commodities. Publication of the final rule was included in the September 9, 2008 edition of the Federal Register and will become effective on October 9, 2008.

According to the County's Agricultural Commissioner/Director of Weights and Measures, this proposed rule will have profound consequences for consumers. "Wet tare" procedures take into account the difference between the package-labeled content weight of a package and that part of its total weight caused by the loss or gain of moisture from the packaged commodity. In contrast, "dry tare" procedures, which would be adopted as the prevailing weight standard when the rule takes effect, would subject consumers to potentially unlimited volumes of fluids being sold at meat and poultry per-pound prices.

The difference between these two methods potentially creates a situation of economic peril for consumers because they will receive less value and quantity from their expenditures on certain food products. Consumers, when purchasing a pound of meat, expect to receive a pound of "meat" rather than added fluids at meat prices. The "dry tare" procedures may serve to encourage packers to introduce high volumes of flavoring, tenderizing, and other fluids to boost "product" weight (or to enable them to compete with competitors who do so) while consumers are led to believe, through less than clear and prominent labeling, in many instances, that they are purchasing a labeled weight of meat.

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This situation was created because USDA did not adhere to appropriate procedures in adopting this Federal rule. In fact, announcements published by USDA indicated that there would be "no substantive changes" to existing procedures. As a consequence of these actions, the California Agricultural Commissioners and Sealers Association (CACASA), consisting of County Agricultural Commissioners/Directors of Weights and Measures from all 58 counties, are challenging the legality and adherence to appropriate rulemaking procedures by FSIS in adopting this Federal rule. CACASA has distributed a letter of objection to Secretary Ed Schafer of USDA requesting a re-opening of the rulemaking process to allow adequate time for comment.

My office and the Agricultural Commissioner/Weights and Measures are supportive of this request. This position is consistent with the Agricultural Commissioner's mission to protect consumers and business operators through effective enforcement of Federal and State laws and County ordinances in the areas of health, safety, and consumer concerns, providing useful consumer and agricultural information, and protecting consumers and businesses from fraud. Therefore, **the Agricultural Commissioner will send a letter on behalf of the County to the California Congressional delegation to request their support to reopen the rulemaking process, and the Washington, D.C. advocates will also work in pursuit of this position.**

We will continue to keep you advised.

WTF:GK
RT/MAL:GC:er

c: All Department Heads
Legislative Strategist